

**REMARKS**

Reconsideration of this application is respectfully requested based upon the amendments above and the remarks contained herein.

**STATUS OF CLAIMS AND SUPPORT FOR AMENDMENTS**

Upon entry of this amendment, claims 11-27 will be pending in this application. Claims 1-10 have been canceled without prejudice to, or disclaimer of, their subject matter.

Support for the amendment to claim 1 can be found in the specification at page 2.

**OBJECTIONS TO SPECIFICATION**

In paragraph 1 of the Office action dated February 6, 2009, the Office has objected to the Abstract as containing legal phraseology. Applicants respectfully traverse this objection, as the Abstract has been amended to avoid such legal phraseology. Accordingly, this objection should be withdrawn.

In paragraph 2 of the Office action dated February 6, 2009, the Office has objected to the specification on various grounds. Although Applicants are unaware of any requirement that a national phase entry be amended to recite the PCT application in the first line of the specification, in order to expedite prosecution, Applicants have so amended the specification. Further, Applicants have amended the specification as suggested by the Office to incorporate subject headings and thereby increase readability. Accordingly, these objections should be withdrawn.

**INDEFINITENESS REJECTION**

At paragraph 4 of the Office action dated February 6, 2009, the Office has rejected claims 13, 14, and 18-27 as indefinite under 35 U.S.C. § 112, second

paragraph. Applicants respectfully traverse this rejection for the reasons given below.

Applicants submit that claims 13, 14, and 18-27 are clear and definite as written. Nevertheless, in an effort to expedite prosecution, Applicants have amended claims 13, 18, 22, and 26 to adopt the suggestions made by the Office. Applicants respectfully submit that this rejection should be withdrawn.

#### ANTICIPATION REJECTION

In paragraph 6 of the Office action dated February 6, 2009, the Office has rejected claims 11-13, 15, and 18-27 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,493,743 (Schneider et al.). Applicants respectfully traverse this rejection for the reasons given below.

The Office action states:

Applicant should note that the folds at the upper and lower ends of the helical contact extender (38) of the reference are considered to anticipate the apparatus as recited by instant claims 22 and 26. Furthermore, the casing of the tank (24) along with the liquid contained therein around the contact extender coil (38) is considered to anticipate a protective pressure proof enclosure, in that it would protect the areas and persons in the areas surrounding the pressurized coil (38) from any dangerous over pressurization of the coil (38).

Office action dated February 6, 2009 at page 6 (emphasis added).

Nowhere does Schneider et al. indicate that contact extender (38) shows in Figure 1 is helical, or is a continuous tubular coil formed with a plurality of upwardly and downwardly directed sections as recited in Applicants' claims. Schneider et al. states:

The contact extender 38 is formed from four inch diameter PVC pipe so as to form a tortuous path which goes up and down before emptying in to tank 24. Where as the contact time, the time when the ozone is entrained to the time it exits the water column, is

normally 5 to 15 seconds depending on the height of the tank, extender 38 functions to raise the contact time upwards of 60 seconds or more. The longer the gas bubble spends in the water column, the more of the ozone will transfer across the phase boundary, gas to liquid.

Schneider et al., column 4, lines 64-67 (emphasis added). The reference of Schneider et al. to a "water column" indicates that the contact extender (38) is not a continuous helical tube, as the Office has suggested, and is not a continuous tubular coil, as recited in Applicants' claims. Instead, the contact extender of Schneider et al. has the shape shown in Figure 1 of Schneider et al., namely a series of straight vertical tubes connected by elbows or short horizontal sections, through which fluids are forced to flow in columns, and which forces the fluids to reverse direction rapidly in the elbows/short horizontal sections. There is no basis for the Office to assert a geometry different from that explicitly shown in the drawings of Schneider et al. and described in the specification of Schneider et al.

As the Office is doubtless aware, for an anticipation to occur, Schneider et al. must disclose every element recited in Applicants' claims, arranged as specified in the claims. See *Net MoneyIN Inc. v. VeriSign Inc.*, Fed. Cir., No. 07-1565 (October 20, 2008); *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983); *In re Arkley*, 455 F.2d 586, 172 USPQ 524 (CCPA 1972). The failure of Schneider et al. to disclose a continuous tubular coil clearly establishes that Schneider et al. fails to anticipate Applicants' claims. Accordingly, this rejection should be withdrawn.

#### OBVIOUSNESS REJECTION

In paragraph 9 of the Office action dated February 6, 2009, the Office has rejected claims 14, 16, and 17 as obvious under 35 U.S.C. § 103(a) over Schneider et al. Applicants respectfully traverse this rejection for the reasons given below.

First, claims 14, 16, and 17 all depend, either directly or indirectly, from claim 11. The deficiencies of Schneider et al. with respect to claim 11 have been noted above. The Office has not explained why one having ordinary skill in this art would have deviated from the express disclosure of Schneider et al. and replaced the vertical tubes of the contact extender with a helical coil. Accordingly, the Office has failed to establish a *prima facie* case of obviousness of claim 11 over Schneider et al. Similarly, the Office has failed to establish a *prima facie* case of obviousness of dependent claims 14, 16, and 17 over Schneider et al. Accordingly, this rejection should be reversed.

#### CONCLUSION

Applicants submit that this application is in condition for immediate allowance, and an early notification to that effect is respectfully requested. If the Examiner has any questions about this application, or believes that any issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned to arrange for a personal or telephonic interview to resolve these issues prior to the issuance of another Office action.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.20(d) and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

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